

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 1-14 have been amended, and claims 15-20 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is respectfully requested.

### **REJECTION UNDER 35 U.S.C. §102(b)**

In the Office Action at page 2, numbered items 3-4, claims 1-6 and 9-14 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,854,897 to Radziewicz, et al. (hereinafter Radziewicz). This rejection is traversed and reconsideration is requested.

Claim 1, as amended, is directed to an advertisement posting system that defines a geographical factor from location information and uses this factor to determine the cost of the advertisement. More specifically, claim 1 recites that the advertisement posting system includes "a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement from location designation information" and "an advertisement-cost calculation unit calculating the cost of the advertisement in consideration of the geographical factor," as well as an advertisement posting unit. Support for this amendment is found in the originally filed Specification at least at page 6, line 23 to page 7, line 3 and in Figures 5 and 7.

As an advantage, in a non-limiting example, the geographical factor designation/acquisition unit allows for information regarding a geographical factor to be obtained from location-designation information input by a user or acquired by means of GPS (Global Positioning System). Thus, the exact position of a user is determined so that advertisements can be tailored to a geographical factor pertinent to the user and advertising resources are expended more efficiently because they advertisements are better tailored to the audience.

Applicants respectfully submit that Radziewicz fails to teach or suggest a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement from location designation information. Rather, Radziewicz teaches that the announcements or

advertisements transmitted are either selected by the announcement server 30 (the advertisement posting unit) or selected by the user. On page 2, item 4, of the Office Action the Examiner suggests that col. 7, lines 26-37 of Radziewicz teach that an advertisement may be posted based upon the IP address of the user terminal. Applicants respectfully submit that the cited portion of Radziewicz teaches that the IP address is used to look up the identity of a user stored in a database. Thus, Radziewicz does not teach that the IP address is used as a geographical factor in determining the transmitted advertisements.

Further, Applicants respectfully submit that Radziewicz fails to teach or suggest calculating the cost of an advertisement in consideration of a geographical factor. In the Office Action at page 2, in item 4, the Examiner cites col. 9, line 11 in support of the position that Radziewicz teaches calculating the cost of an advertisement in consideration of a geographical factor. Applicants respectfully submit that this citation discusses the storage of announcement data in storage device 42, and not calculation of advertising costs based on a geographical factor. Applicants acknowledge that Radziewicz teaches that the main controller 54 generates a billing schedule for determining the amount which the sponsoring entity should be charged (see col. 10, lines 3-6). Further, Radziewicz teaches that main controller 54 stores information including the advertisement's file name, play time, and the geographical area in which the advertisement has been played (see col. 10, lines 9-12), as well as any other information considered pertinent to the system's billing and processing requirement (see col. 10, lines 27-29). Applicants submit, however, that Radziewicz fails to teach or suggest that any of this stored information, especially geographical information, is pertinent to determining the cost of the advertisement in view of the geographical factor. Accordingly, Applicants respectfully submit that amended independent claim 1 and dependent claims 2 and 3, which have been amended to depend directly therefrom, patentably distinguish over Radziewicz for at least the reasons set forth above.

Further, claims 2 and 3 each recite that the advertisement-cost calculation unit calculates the cost of the advertisement in consideration of multiple factors – the geographical factor and either the status of use of the advertisement related to the geographical factor (claim 2) and the user information of the presented advertisement (claim 3). Applicants respectfully submit that, as Radziewicz fails to teach the consideration of any factors in determining advertising cost, Radziewicz also fails to teach the consideration of a combination of factors in

determining advertising cost. Thus, Applicants respectfully submit that claims 2 and 3 are in condition for allowance.

Claim 4 is directed to an advertisement posting system that calculates the cost of an advertisement based on a temporal factor, and posts the advertisement based on the temporal factor. As an advantage, in a non-limiting example, this allows an advertisement to be displayed according to a temporal factor such as time of day or season, or weekday/weekend. The cost of the advertisement would then be adjusted accordingly.

Applicants respectfully submit that, for at least the reasons set forth above, Radziewicz fails to teach or suggest the use of any factors in calculating advertising costs. For at least these reasons, Applicants respectfully submit that independent claim 4 and dependent claims 5 and 6 depending therefrom patentably distinguish over Radziewicz.

Further, claims 5 and 6 have been amended in a manner similar to claims 2 and 3, respectively. Thus, Applicants respectfully submit that Radziewicz also fails to teach or suggest the consideration of a temporal factor in combination with status of use or user information to determine advertising cost. Thus, Applicants respectfully submit that claims 5 and 6 are also in condition for allowance.

Independent claim 9 has also been amended to recite "a geographical designating/acquiring means for defining a geographical factor to post the advertisement from location designation information." As discussed above, Applicants respectfully submit that Radziewicz fails to teach or suggest any geographical designating/acquiring means. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that amended independent claim 9 and newly amended dependent claims 10 and 11 depending therefrom patentably distinguish over Radziewicz.

Independent claim 12 and newly amended dependent claims 13 and 14 are similar to independent claim 4 and claims 5 and 6 depending therefrom. Accordingly, Applicants respectfully submit that independent claim 12 and claims 13 and 14 depending therefrom patentably distinguish over the prior art.

### **REJECTION UNDER 35 U.S.C. §103(a)**

In the Office Action at pages 2-3, numbered item 5, claims 7-8 were rejected under 35 U.S.C. §103(a) as being obvious over Radziewicz. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

In the Office Action at page 2, item 5, the Examiner acknowledges that Radziewicz fails to teach a base cost calculation table for use in computing the cost of advertisement. For at least this reason, Applicants respectfully submit that Radziewicz fails to render claims 7 and 8 obvious. While Applicants acknowledge the Radziewicz does teach table look up for determining the identity of a user from an IP address, Applicants respectfully submit that there is no teaching or suggestion to add a base cost calculation table to Radziewicz.

### **NEW CLAIMS**

Applicants have added claims 15-20 in order to set forth the invention in varying scope. Support for these new claims can be found at least in originally filed Specification at page 15, in the second full paragraph. For at least the reasons set forth above, Applicants respectfully submit that these claims are in condition for allowance.

### **CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: September 23, 2004

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